

BOBBY LEE MONTGOMERY

Name

640 McKnight St. B-105

2012 MAY 17 AM 10:11

LAS VEGAS NV. 89101

#2624152

Prison Number

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BOBBY LEE MONTGOMERY, )  
Plaintiff, )  
vs. )  
LAS VEGAS METROPOLITAN )  
POLICE DEPARTMENT, ET AL, )  
CITY COUNCIL OF CLARK )  
COUNTY NEVADA )  
OSCAR B. GOODMAN MAYOR )  
CITY OF LAS VEGAS NEVADA )  
SHERIFF OF CLARK COUNTY )  
DOUGLAS C. GILLESPIE, )  
GUY LOUIS TURNER#13518, )  
LVMPD )  
Defendant(s). )

2:12-cv-00817-MMD -RJJ

CIVIL RIGHTS COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Bobby L. Montgomery  
(Print Plaintiff's name)

who presently resides at 640 McKnight St. B105 Las Vegas, were  
violated by the actions of the below named individuals which were directed against  
Plaintiff at 128 Edelweiss St. Las Vegas NV. on the following dates  
(institution/city where violation occurred)

May 17, 2010, June 29, 2010, and August 4, 2010  
(Count I) (Count II) (Count III)

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant E. ROBINSON#3889 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)  
X individual X official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Fail to intervene to stop or deny the malicious  
process to review documents for proper investigation.

3) Defendant Lt. Ron Fox#3313 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)  
X individual X official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Approve the fabricated documents for the malicious  
proceeding, failure to intervene conduct proper investigation.

4) Defendant V. E. Swartwood#4825 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)  
X individual X official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Failure to intervene denied grievance to Internal  
Affairs, denied a proper investigation in malicious prosecution

5) Defendant Guy L. Turner#13518 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)  
X individual X official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Falsey and maliciously to procure another to be  
arrested or proceeded against for a crime

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant BRYAN ROCHA#13510 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)

and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)

individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Falsely and maliciously to procure another to be  
arrested or proceeded against for a crime.

3) Defendant NATHAN HERLEAN#14085 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)

and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)

individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Falsely and maliciously to procure another to be  
arrested to proceeded against for a crime

4) Defendant ERIC FENRICH#13145 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)

and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)

individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Falsely and maliciously to procure another to be  
arrested or proceeded against for a crime.

5) Defendant TRAVIS CHAPMAN#14079 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)

and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)

individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Failure to intervene, falsely and maliciously to  
procure another to be arrested or proceeded against for a crime.

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant VINCENT D'ANGELO#5787 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)

and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)

individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Failure to intervene, falsely and maliciously to  
procure another to be arrested or proceeded against for a crime.

3) Defendant CORY DRAEGER#13329 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)

and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)

individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Failure to intervene, falsely and maliciously to  
procure another to be arrested or proceeded against for a crime.

4) Defendant JOSUE ESPARZA#9373 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)

and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)

individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Failure to intervene, falsely and maliciously to  
procure another to be arrested or proceeded against for a crime.

5) Defendant TRAVIS SWARTZ#13142 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address if first defendant)

and is employed as Las Vegas Metro Police. This defendant is sued in his/her  
(defendant's position and title, if any)

individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Failure to intervene, falsely and maliciously to  
procure another to be arrested or proceeded against for a crime.

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant DAVID ROGER#002781 resides at 200 Lewis Ave.Las Vegas NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Clark County District Att.. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Authorized the initial criminal complaint to be  
filed to proceed in the malicious prosecution process to pro-  
secute.Oppression under color of Office.

3) Defendant SHAWN MORGAN#0010935 resides at 200 Lewis Ave, Las Vegas NV  
(full name of first defendant) (address if first defendant)  
and is employed as Deputy District Attorney. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Engage in the proceeding of the malicious prose-  
cution process to prosecute,Oppression under color of Office.

4) Defendant J.VILLANI DA resides at 200 Lewia Ave.Las Vegas NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Duty District Attorney. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Engage in the proceeding of the malicious prose-  
cution process to prosecute,Oppression under color of Office.

5) Defendant A. STEGE DA resides at 200 Lewis Ave.Las Vegas NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Duty District Attorney. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Engage in the proceeding of the malicious prose-  
cution process to prosecute,Oppression under color of Office.

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant B.TURNER DA resides at 200 Lewis Ave. Las Vegas NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Duty District Attorney. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Engage in the proceeding of the malicious prose-  
cution process to prosecute, Oppression under color of Office

3) Defendant S.CLOWERS DA resides at 200 Lewis Ave. Las Vegas NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Duty District Attorney. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Engage in the proceeding of the malicious prose-  
cution process to prosecute, Oppression under color of Office

4) Defendant SHANON CLOWERS DA resides at 200 Lewis Ave. Las Vegas NV,  
(full name of first defendant) (address if first defendant)  
and is employed as Duty District Attorney. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: \_\_\_\_\_  
\_\_\_\_\_

5) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: \_\_\_\_\_  
\_\_\_\_\_

6) Defendant J. Miranda#8351 resides at CLARK COUNTY LAS VEGAS NV,  
(full name of first defendant) (address of first defendant)  
and is employed as Internal Affairs LVMPD. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Failure to intervene, denied proper investigation

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7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish  
to assert jurisdiction under different or additional statutes, list them below.

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#### B. NATURE OF THE CASE

1) Briefly state the background of your case.

Arrested May 17, 2010 at 128 Edelweiss St Las Vegas NV 89110. At  
gun point by LVMPD officers Guy Louis Turner#13518, Bryan Rocha#  
13510, Nathan Herlean#14085, Eric Fenrich#13145. Charges being  
Battery/Domestic Violence Strangulation, other officers present  
Travis, Chapman#14079, Vincent D'Angelo#5787, Cory Draeger#13329  
Josue, Esparza#9373, Travis Swartz#13142. Case No 10FC09483X dismiss  
count 1 April 7, 2011, Case No 10C265141 dismiss count 2 June 9  
2011. On June 23, 2010 pled not guilty invoked the 60 day Speedy  
Trial, on August 16 2010, denied a Speedy Trial. On June 29, 2010  
Revocation of Probation on fabrication Battery/Domestic Violence  
Strangulation chargers falsely to institute or maintain  
any action or proceeding against Bobby Lee Montgomery

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#### C. CAUSE OF ACTION

SEE EXHIBIT A, LVMP TEMPORARY CUSTODY RECORD.  
SEE EXHIBIT B, CASE SUMMARY CASE NO 10C265141  
SEE EXHIBIT C, APPEARANCES - HEARING CASE NO 10FC09483X

**COUNT I**

The following civil rights has been violated: 4th Amendment free from unreasonable seizure, false arrest. 14th Amendment free from malicious prosecution, Right to Libery.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

May 17, 2010 LVMPD officers enter the front open door at 128 Edelweiss St. Las Vegas NV 89110, without given a notice of their present or getting consent to enter from the occupants of the house at gun point. LVMP officers were Guy Louis Turner#13518, Bryan Rocha#13510, Nathan Herlean#14085, Eric Fenrich#13145. Gun point being the show of authority under the colors of law the force used in the seizure, arrest, and detention. While allege victim Henson stood in hallway entrance of the back bedroom doorway argueing with Bobby L. Montgomery while I laid across the bed in the bedroom. Officers order Henson to exit down the hallway path, then order myself to exit bedroom confronted with officers pointing and aiming their guns at me thought I was shot had vision of the gun blast, the imminent fear of being shot place myself in the zone of danger of the sudden impact of being shot or killed by LVMPD officers. Seizured, arrested handcuff in hallway of the house order to place hands on top of head, turn around get down on my knees cross my legs. Arrested on two non corroborating statements of allege victim and eyewitness without any physical marks as evident to support the charge. LVMP G. Turner improperly bolstered his police report assert facts not supported by statements. Approved by LVMP, Lt. Ron Fox#3313, LVMP, E. Robinson#3889.

Grievance file 6/12/10-7/4/10 to Internal Affairs LVMP, J. Miranda

SEE EXHIBIT D DOMESTIC BATTERY REPORT<sup>4</sup>  
SEE EXHIBIT E INCIDENT REPORT

## COUNT II

The following civil rights has been violated: 14th Amendment free from malicious prosecution, Right to Libery, 8th Amendment free from false imprisonment, Right to move freely, free from cruel and unusual punishment.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

On June 29, 2010 Revocation of Probation Case #08C250236 new charge 10F09483X count 1 dismiss April 7, 2011, Case 10C265141 count 2 dismiss June 9 2011. Shawn A Morgan DA, maliciously procure the probation revoke, invoking the institution of Bobby L. Montgomery without substantial evidents to support Battery Domestic Violence Strangulation charges. Knowingly intentionally used scant evidence non corroborate fabricated witness statements which dimetrically opposed one another that or logically incompatible. Absent any physical marking to support Strangulation chargers. Using G. Turner LVMPD#13518 bolstered police report, this action lack pivotal grounds an should be deem as an act of complicity on the part of LVMPD officers, Shawn A Morgan, Court and all others involved in this matter. Which bring about a Constitutional violation of the fourth, fifth, eighth and fourteenth amendment through the Due Process Clause. Absent legal authority or justification this act was obviously inflicted in wholly arbitrary fashion. Which cause deprivation of Liberty which constitute cruel and unusual punishment false arrest, false imprisonment. State of Nevada denied Bobby L. Montgomery with in its jurisdiction the equal protection of the laws in the falsely and maliciously to institute or maintain any proceeding to procure another to be arrested or proceeded against for a crime.

<sup>5</sup>  
SEE EXHIBIT F COURT MINUTES JUNE 29, 2010

outline).

- a) Defendants: LAS VEGAS METROPOLITAN POLICE DEPARTMENT ET, AL
- b) Name of court and docket number: U.S. DISTRICT COURT NV. 2:11-cv-02079
- c) Disposition (for example, was the case dismissed, appealed or is it still pending):  
Pending
- d) Issues raised: Malicious prosecution, Illegal arrest, search seizure, Incarceration
- e) Approximate date it was filed: 12/23/2011
- f) Approximate date of disposition: \_\_\_\_\_

2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?**

\_\_\_\_ Yes  No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_

c) The case was dismissed because it was found to be (check one):  frivolous  
 malicious or  failed to state a claim upon which relief could be granted.

d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: \_\_\_\_\_

b) Name of court and case number: \_\_\_\_\_

c) The case was dismissed because it was found to be (check one):  frivolous  
 malicious or  failed to state a claim upon which relief could be granted.

d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures?  Yes  No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1)  disciplinary hearing; (2)  state or federal court decision; (3)  state or federal law or regulation; (4)  parole board decision; or (5)  other \_\_\_\_\_.

If your answer is "Yes", provide the following information. Grievance Number \_\_\_\_\_. Date and institution where grievance was filed \_\_\_\_\_.

Response to grievance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## CASE SUMMARY

CASE NO. 10C265141

The State of Nevada vs Bobby L Montgomery

§ Location: Department 8  
 § Judicial Officer: Smith, Douglas E.  
 § Filed on: 06/07/2010  
 § Conversion Case Number: C265141  
 § Defendant's Scope ID #: 2624152  
 § Lower Court Case Number: 10F09483  
 §

## CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BATTERY.	F	01/01/1900	Case Flags:	Bail Set
1. BATTERY DOMESTIC VIOLENCE	F	01/01/1900		Custody Status - In Custody
1. ACTS WHICH CONSTITUTES DOMESTIC VIOLENCE	F	01/01/1900		

DATE

CASE ASSIGNMENT

## Current Case Assignment

Case Number	10C265141
Court	Department 8
Date Assigned	06/07/2010
Judicial Officer	Smith, Douglas E.

## PARTY INFORMATION

Defendant

Montgomery, Bobby L

Lead Attorneys  
 MacArthur, Jonathan E.  
 Retained  
 7028682724(W)

Plaintiff

State of Nevada

Roger, David J.  
 702-671-2700(W)

DATE

EVENTS &amp; ORDERS OF THE COURT

INDEX

06/07/2010	<input checked="" type="checkbox"/> Criminal Bindover <i>CRIMINAL BINDOVER Fee \$0.00</i>	10C2651410001.tif pages
06/07/2010	Hearing <i>INITIAL ARRAIGNMENT</i>	10C2651410002.tif pages
06/14/2010	<input checked="" type="checkbox"/> Information <i>INFORMATION</i>	10C2651410004.tif pages
06/16/2010	<b>Initial Arraignment (10:30 AM) (Judicial Officer: Martin, Eugene)</b> Events: 06/07/2010 Hearing <i>INITIAL ARRAIGNMENT Relief Clerk: Carole D'Aloia Reporter/Recorder: Kiara Schmidt Heard By: EUGENE MARTIN</i>	10C2651410005.tif pages
06/16/2010	Hearing <i>ARRAIGNMENT CONTINUED</i>	10C2651410005.tif pages
06/22/2010	<input checked="" type="checkbox"/> Request Filed by: Defendant Montgomery, Bobby L <i>EX PARTE MOTION TO WITHDRAW DUE TO CONFLICT</i>	10C2651410006.tif pages

Exhibit B

## CASE SUMMARY

CASE NO. 10C265141

06/22/2010	<input checked="" type="checkbox"/> Order Filed By: Defendant Montgomery, Bobby L <i>ORDER GRANTING MOTION TO WITHDRAW DUE TO CONFLICT</i>	
06/23/2010	<input checked="" type="checkbox"/> Arraignment Continued (10:30 AM) (Judicial Officer: Martin, Eugene) Events: 06/16/2010 Hearing <i>ARRAIGNMENT CONTINUED</i>	
06/29/2010	<input checked="" type="checkbox"/> Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING - HEARD 06-03-10</i>	10C2651410010.tif pages
07/13/2010	<input checked="" type="checkbox"/> Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>	10C2651410011.tif pages
08/04/2010	<input checked="" type="checkbox"/> Calendar Call (8:30 AM) (Judicial Officer: Smith, Douglas E.)	
08/16/2010	<input checked="" type="checkbox"/> CANCELED Jury Trial (10:30 AM) <i>Vacated - per Judge and RESET</i>	
10/06/2010	<input checked="" type="checkbox"/> Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Witnesses</i>	
10/27/2010	<input checked="" type="checkbox"/> Calendar Call (8:30 AM) (Judicial Officer: Smith, Douglas E.)	
11/01/2010	<input checked="" type="checkbox"/> CANCELED Jury Trial (10:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge and RESET</i>	
11/02/2010	<input checked="" type="checkbox"/> Calendar Call (8:30 AM) (Judicial Officer: Smith, Douglas E.)	
11/03/2010	<input checked="" type="checkbox"/> Trial (10:30 AM) (Judicial Officer: Smith, Douglas E.)	

Exhibit B (2)

# JUSTICE COURT, LAS VEGAS TOWNSHIP

STATE VS. MONTGOMERY, BOBBY LEECASE NO. 10F09483XPAGE: 1

DATE, JUDGE  
OFFICERS OF COURT  
PRESENT

APPEARANCES - HEARING

CONTINUED TO:

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES - HEARING	CONTINUED TO:
MAY 19, 2010	CRIMINAL COMPLAINT FILED:	
	COUNT 1 - BATTERY CONSTITUTING DOMESTIC VIOLENCE -	
	STRANGULATION	
	COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE	JCC
MAY 20, 2010 T. ABBATANGELO S. MORGAN, DA - C. JORGENSEN, PD R. SILVAGGIO, CR S. ROBINSON, CLK	INITIAL ARRAIGNMENT DEFENDANT PRESENT IN COURT IN CUSTODY COUNT 1 ADVISED OF CHARGES/WAIVES READING OF COMPLAINT COURT APPOINTS PUBLIC DEFENDER TO REPRESENT THE DEFENDANT PRELIMINARY HEARING DATE SET FUTURE COURT DATE VACATED 6-16-10 8AM  DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF COUNT 1 NO BAIL POSTED COUNT 2	6-3-10 9:00 #3  JCC
JUNE 3, 2010 J.T BONAVENTURE, FOR ABBATANGELO S. MORGAN, DA C. JORGENSEN, PD R. SILVAGGIO, CR S. ROBINSON, CLK	TIME SET FOR PRELIMINARY HEARING AND TRIAL DEFENDANT PRESENT IN COURT *IN CUSTODY COUNT 1* STATE WITNESSES SHERRI HINSON - WITNESS IDENTIFIES DEFENDANT COURT AMENDED DEFENDANT'S NAME THROUGH DELINEATION TO REFLECT "SHERRIE HINSON" STATE RESTS DEFENDANT WAIVES RIGHT TO MAKE SWORN OR UNSWORN STATEMENT DEFENSE RESTS	6-16-10 10:30 DC ARRAIGNMENT COUNT 1 ONLY
	SUBMITTED WITHOUT ARGUMENT COUNT 2 - BIFURCATED - CONTINUED FOR STATUS CHECK DEFENDANT BOUND OVER TO DISTRICT COURT 8 AS CHARGED DEFENDANT TO APPEAR IN THE LOWER LEVEL ARRAIGNMENT COURTROOM A APPEARANCE DATE SET  REMANDED TO THE CUSTODY OF THE SHERIFF - COUNT 1 NO BAIL POSTED - COUNT 2	12-1-10 8 AM #3 COUNT 2  SLR
DECEMBER 1, 2010 T. ABBATANGELO J. VILLANI, DA - S. EMERICK, PD R. SILVAGGIO, CR S. ROBINSON, CLK	DEFENDANT NOT PRESENT IN COURT MOTION BY DEFENSE TO CONTINUE - MOTION GRANTED STATUS CHECK ON DISTRICT COURT  NO BAIL POSTED	12-9-10 8:00 #3  JCC
DECEMBER 9, 2010 T. ABBATANGELO A. STEGE, DA - C. JORGENSEN, PD D. MCCORD, CR S. ROBINSON, CLK	DEFENDANT NOT PRESENT IN COURT PASSED BY COURT FOR STATUS CHECK ON DISTRICT COURT COUNT 1 DATE SET  NO BAIL POSTED	1-27-11 10:45 #4  JCC

*Exhibit C*

## JUSTICE COURT, LAS VEGAS TOWNSHIP

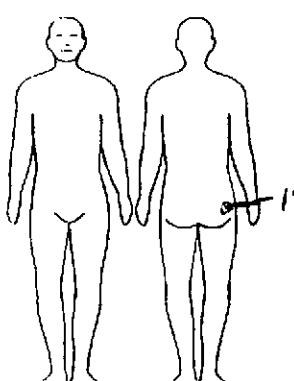
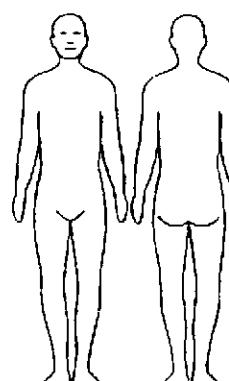
STATE VS. MONTGOMERY, BOBBY LEECASE NO. 10F09483XPAGE: 2DATE, JUDGE  
OFFICERS OF COURT  
PRESENT

APPEARANCES HEARING

CONTINUED TO:

JANUARY 27, 2011 M. SARAGOSA B. TURNER, DA ✓ PD REMAINS K. MACDONALD, CR M. KRAUS, CLK	DEFENDANT NOT PRESENT IN COURT COUNT 2: PASSED BY COURT FOR STATUS CHECK ON FELONY COUNT IN DISTRICT COURT NO BAIL POSTED	4-7-11 1:30 #4 RS
APRIL 7, 2011 M. SARAGOSA S. CLOWERS, DA ✓ J. MACARTHUR, ESQ M. LEONARD, CR M. KRAUS, CLK	DEFENDANT PRESENT IN COURT PLEA OF NOT GUILTY SET FOR TRIAL COUNT 1 - DISMISSED BY COURT NO BAIL POSTED	06/09/11 8:30 #4 SBR
MAY 13, 2011	SUBSTITUTION OF ATTORNEYS FILED BY DEFENSE	AMC
JUNE 9, 2011 L. MARQUIS FOR M. SARAGOSA SHANON CLOWERS, DA PATRICK MCDONALD, ESQ K. MACDONALD, CR M. KRAUS, CLK	TIME SET FOR PRELIMINARY HEARING DEFENDANT NOT PRESENT IN COURT PER NRS 17.225 MOTION BY STATE TO DISMISS, GRANTED JUDGMENT ENTERED	MRK

Exhibit C (1)

1/3		LAS METROPOLITAN POLICE DEPARTMENT DOMESTIC BATTERY REPORT						Event # 100512-1861		
Felicite Crime(s)		M City 11 FLD 11 STA X F			M County 11 M 11 GM			Victim/Defendant		
BATT DV / STRANGU/TN		Bldg. # Apt. #			City L. VELAS			State Zip Code NY 10410		
Location of Incident: (Number & Street)										
Occurred 5/17/10 Mon		Time 11:56	Report Taken	Month 5	Day 17	Year 10	Time 12:25	Connecting Reports HYPER BACKUP		
					Y	N		PM 13:51	Reporting Officer L. VELAS	
Was there a witness? X		Is there physical evidence present? (i.e., visible injury, weapons, etc.) X			Y	N	PM 13:51	Reporting Officer R. MONTGOMERY		
Has victim requested temporary housing? X		Is there a T.P.O. in effect? TM			Y	N	PM Supervisor Approving	ID Specialist		
• ALWAYS LIST VICTIM(s) FIRST •										
#1 Victim <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Name (Last/First/Middle) HENSON, SHEERI					Vol. St. <input type="checkbox"/> Vol. St. Refused Why: Non-English Speaking <input type="checkbox"/>		Language Non-English Speaking <input type="checkbox"/>			
Date of Birth 6/1		Race B Sex F Ht. 54 Wt. 167 Hair BLK Eyes BRN			Victim given Domestic Violence Information Card? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Residence Address: (Number & Street) 110 14ED100		Bldg/Apt# City L. VELAS			State NY Zip Code 10410		Res. Phone: Bus. Phone: Ext.			
Emergency Name & Address: (Number & Street) 110 14ED100		Bldg/Apt# City			State Zip Code		Emergency Contact #			
Relationship between victim number 1 and person number 2 (Check all applicable):										
<input type="checkbox"/> Spouse <input type="checkbox"/> Former Spouse <input type="checkbox"/> By Marriage <input type="checkbox"/> By Blood <input type="checkbox"/> Parent <input type="checkbox"/> Child <input type="checkbox"/> Child in Common <input checked="" type="checkbox"/> Dated 1.5 (mos/yr) <input checked="" type="checkbox"/> Cohabits <input type="checkbox"/> Former Cohabits										
#2	<input type="checkbox"/> Victim <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Name (Last/First/Middle) MONTGOMERY, BOBBY LEE				Vol. St. <input type="checkbox"/> Vol. St. Refused Why: Non-English Speaking <input type="checkbox"/>		Language Non-English Speaking <input type="checkbox"/>			
Date of Birth 11-2-60		Social Security # 463-29-9119 Race B Sex M Ht. 5'5" Wt. 190 Hair BLK Eyes DRN			Victim given Domestic Violence Information Card? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Residence Address: (Number & Street) 110 14ED100		Bldg/Apt# City L. VELAS			State NY Zip Code 10410		Res. Phone: Bus. Phone: Ext.			
Emergency Name & Address: (Number & Street) 110 14ED100		Bldg/Apt# City			State Zip Code		Emergency Contact #			
Relationship between person number 2 and person number 1 (Check all applicable):										
<input type="checkbox"/> Spouse <input type="checkbox"/> Former Spouse <input type="checkbox"/> By Marriage <input type="checkbox"/> By Blood <input type="checkbox"/> Parent <input type="checkbox"/> Child <input type="checkbox"/> Child in Common <input checked="" type="checkbox"/> Dated 1.5 (mos/yr) <input checked="" type="checkbox"/> Cohabits <input type="checkbox"/> Former Cohabits										
#1	<input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input checked="" type="checkbox"/> Unknown	Polaroids?			#2		<input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input checked="" type="checkbox"/> Unknown	Polaroids?		
<input type="checkbox"/> Signs Physical Contact:		<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Digital <input type="checkbox"/> CSI/Person/Scene			#2		<input type="checkbox"/> Yes <input type="checkbox"/> Digital <input type="checkbox"/> CSI/Person/Scene			
<input type="checkbox"/> No, because _____					#2		<input checked="" type="checkbox"/> No, because PHYSICAL M			
		<b>Demeanor</b> <input checked="" type="checkbox"/> Angry <input type="checkbox"/> Threatening <input type="checkbox"/> Crying <input type="checkbox"/> Fidgeting <input type="checkbox"/> In Fear <input checked="" type="checkbox"/> In Pain <input type="checkbox"/> Nervous <input type="checkbox"/> Nursing Body Part <input type="checkbox"/> Erratic Speech <input type="checkbox"/> Irregular Breathing <input type="checkbox"/> Hysterical <input type="checkbox"/> Apologetic Other: _____					<b>Demeanor</b> <input type="checkbox"/> Angry <input type="checkbox"/> Threatening <input type="checkbox"/> Crying <input type="checkbox"/> Fidgeting <input type="checkbox"/> In Fear <input type="checkbox"/> In Pain <input checked="" type="checkbox"/> Nervous <input type="checkbox"/> Nursing Body Part <input type="checkbox"/> Erratic Speech <input type="checkbox"/> Irregular Breathing <input type="checkbox"/> Hysterical <input type="checkbox"/> Apologetic Other: _____			
Children Present 1 (Name)		Age	(Post Incident Location)	Witnessed? <input type="checkbox"/> Y <input type="checkbox"/> N	Children Present 2 (Name)		Age	(Post Incident Location)	Witnessed? <input type="checkbox"/> Y <input type="checkbox"/> N	
Witness 1 (Name) PREUT, PAMELA					(DOB) 11/11/82		(Phone) 212-544-1234		Stmt. Obt. ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Witness 2 (Name)			(Address)		(DOB)		(Phone)		Stmt. Obt. ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Mark signs of physical contact on diagram above:										
1 = Abrasion; 2 = Black eye; 3 = Bleeding: <input type="checkbox"/> Nose <input type="checkbox"/> Mouth <input type="checkbox"/> Other _____; 4 = Broken/Possibly Broken Bone; 5 = Bruise; 6 = Bump/Lump;										
7 = Burned; 8 = Cut: <input type="checkbox"/> Lip <input type="checkbox"/> Cheek <input type="checkbox"/> Other _____; 9 = Pain Only; 10 = Pulled Hair; 11 = Reddening <input type="checkbox"/> Cheek <input type="checkbox"/> Arm <input type="checkbox"/> Other _____;										
12 = Scratched _____; 13 = Swollen/Swelling; 14 = Torn Clothing; 15 = Welt _____										

Page 2 of 3

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
DOMESTIC BATTERY REPORTEVENT #  
100517-1561ANY Call to Dispatch.  No  Yes @ 1156 hrs. Dispatched @ 1159, Arr @ Scene @ 1206 Caller  Victim  Suspect  Child  NeighborPrimary Aggressor:  Prior History  Defense Wounds  Injury Severity  Potential Future Injury  Corroborating Witness  OtherMitigating Factors:  No Evidence Injury  Aggressor Undetermined  GUA  Over 24 hours  OtherIf Arrested Both  Excessive Response  Delay Between Acts  Agreement to Fight  Prior History  Defense Wounds  Injury SeverityParties Reason:  Potential Future Injury  Other

AMB or SOUTHWEST Unit: 2716

LVFD or CCFD: Unit: 16

 Transported  Will Seek Own Doctor

Medical Release:

 Signed  
 Refused  
 Non-Available  
 Will Sign

Background Noises Upon Arrival?

4811.2M

Suspect Name: MONTGOMERY, BOBBY ID# 2624152

Narrative (Initial Arrival Observations; Detailed Crime Scene Description - including items fought over, items disturbed, evidence and weapons present and/or seized;

Victim Interview(s); Witness Interview(s); Suspect Interview): ON 5-17-10 AT APPROXIMATELY 1159 HIS J OFFICER

G. TURNER WAS DISPATCHED TO [REDACTED] 57 LNU 8TH FOR A FAMILY DISTURBANCE. DETAILS OF THE CALL STATED THAT A BMA IDENTIFIED AS BOBBY MONTGOMERY WROTE INSIDE ASSAULTED HIS FRIEND.

WHEN J ARRIVED J SAW HENSON WITH THE WOMAN SHERRYL HENSON ODE 6-10-64 WHO STATED THAT HER AND MONTGOMERY WERE ARGUING DUE TO HENSON CONFRONTING MONTGOMERY ABOUT LHM CHEATING ON HER. MONTGOMERY BECAME VERY ANGRY AND GRABBED HENSON BY THE THROAT WITH BOTH HANDS. MONTGOMERY CONTINUED TO SQUEEZE HER NECK. MONTGOMERY LET GO OF HER AND HITCHED HER IN HER RIGHT BUTT CHEEM LEAVING A SCRATCH ON HER.

J SPOKE TO PRAMELA PEEVY WHO WAS IN THE RESIDENCE AT THE SAME TIME. PEEVY STATED THAT SHE WALKED HOME WITH HENSON FROM THE BLD STOP. PEEVY SAID THAT WHEN THEY ARRIVED AT THIS HOME MONTGOMERY CAME OUT SAYING AT HER THEN SLAPPED HER. THEY BOTH WENT INSIDE AND PEEVY OBSERVED MONTGOMERY GRAB HENSON WITH BOTH HANDS AND BEGIN TO CHOKE HER AGAINST THE NECK. PEEVY SAID THEY BOTH THEN WENT TO THE ROOM AND MONTGOMERY STILL HAD HENSON NECK. PEEVY LEFT THE RESIDENCE AND CALLED POLICE.

J SPOKE TO MONTGOMERY WHO STATED THAT HENSON FIGHT OUT ABOUT LHM BEING WITH ANOTHER GIRL. THEY BOTH RAN OUT AIRPORT (BUT NO PHYSICAL CONTACT WAS MADE). MONTGOMERY SAID HE WAS LAYING ON THE BLD THE ENTIRE TIME.

MONTGOMERY AND HENSON HAVE BEEN MARRIED APPROXIMATELY 24 YEARS AND  
(DO NOT COMPLETE UNLESS ARREST IS MADE)As a peace officer with the Las Vegas Metropolitan Police Department for 1 (8) years  months, I declare, subject to the penalty of perjury, that the above information is true and correct to the best of my knowledge or information and belief as identified. The above described information give me probable cause to believe that on 17 May 2009, MONTGOMERY, BOBBY (name @ booking) also known as (true name per SCOPE), committed the crime(s) of BATTERY OR STRANGULATION.in the location of 128 FOOL WOODS within  Clark County  CLV. Declarant prays that your Honorable Magistrate find probable cause exists to hold the above-named person to answer such charge(s).Dated this 12<sup>th</sup> Day of MAY 2010G. TURNER 1358 

Declarant/Affiant (sign and print) P#

Officer's preferred court time:

M  D  F  AM  PMSupervisor Name (sign and print) P#  
(Must be signed by Supervisor if Felony)

Page 3 of 3

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
DOMESTIC BATTERY REPORT

EVENT #

100517-1861

ANY Call to Dispatch:  No  Yes @ \_\_\_\_\_ hrs. Dispatched @ \_\_\_\_\_, Arr @ Scene @ \_\_\_\_\_ Caller:  Victim  Suspect  Child  NeighborPrimary Aggressor:  Prior History  Defense Wounds  Injury Severity  Potential future injury  Corroborating Witnesses  OtherMitigating Factors:  No Evidence Injury  Aggressor Undetermined  GOA  Over 24 hours  OtherIf Arrested Both:  Excessive Response  Delay Between Acts  Agreement to Fight  Prior History  Defense Wounds  Injury SeverityParties:  Potential Future Injury  Other

AMR or SOUTHWEST Unit: \_\_\_\_\_

LVFD or CCFD: Unit: \_\_\_\_\_

 Transported  Will Seek Own Doctor

Medical Release:

 Signed  
 Refused  
 Non-Available  
 Will Sign

Background Noises Upon Arrival? \_\_\_\_\_

Suspect Name: MONTGOMERY, SUSAN

ID#: 2624152

Narrative (Initial Arrival Observations; Detailed Crime Scene Description - including items fought over, items disturbed, evidence and weapons present and/or seized; Victim Interview(s); Witness Interview(s); Suspect Interview): THE MONTGOMERY'S HAVE BEEN LIVING TOGETHER FOR 1 YEAR.ONE OF THE CORROBORATIVE STATEMENTS BY MENSEN AND DEEVEY ALONG WITH  
INJURIES MONTGOMERY WAS PLACED UNDER ARREST FOR DOMESTIC VIOLENCE  
(STABILIZATION) AND WAS TRANSPORTED TO CCDC AND UNKNOVINGLY

## (DO NOT COMPLETE UNLESS ARREST IS MADE)

As a peace officer with the Las Vegas Metropolitan Police Department for 1 (8)  years  months, I declare, subject to the penalty of perjury, that the above information is true and correct to the best of my knowledge or information and belief as identified. The above described information give me probable cause to believe that on 12 MAY 2010 MONTGOMERY, SUSAN (name @ booking) also known as (SUSAN MONTGOMERY) (true name per SCOPE), committed the crime(s) of (SATING DR STRANGER)in the location of 148 FEDERAL ST within  Clark County  CLV. Declarant prays that your Honorable Magistrate find probable cause exists to hold the above-named person to answer such charge(s).Dated this 17th Day of MAY 2010JP 13518

Declarant/Affiant (sign and print) P#

Officer's preferred court time:

M  D  F  AM  PMSupervisor Name (sign and print) P#  
(Must be signed by Supervisor if Felony)

LV METROPOLITAN POLICE DEPARTMENT  
ARREST REPORT

10F09483X/3

 City County Adult Juvenile

Sector/Beat

G1

ID/EVENT#	ARRESTEE'S NAME			(Last, First, Middle)			S.S.#
2624152	MONTGOMERY, BOBBY						
ARRESTEE'S ADDRESS				(Number, Street, City, State, Zip Code)			
[REDACTED] LAS VEGAS, NEVADA, 89110							
CHARGES: BATTER/DOMESTIC VIOLENCE, STRANGULATION, NRS 200.485							
OCCURRED:		DATE	DAY OF WEEK	TIME	LOCATION OF ARREST (Number, Street, City, State, Zip Code)		
		05/17/10	MONDAY	1156 HRS	[REDACTED] LAS VEGAS, NEVADA, 89110		
RACE	SEX	D.O.B.	HT	WT	HAIR	EYES	PLACE OF BIRTH
B	M		5'11"	190	BLK	BRO	

## CIRCUMSTANCES OF ARREST

## OFFICERS INVOLVED:

Officer G. Turner, P#13518  
Officer B. Rocha, P#13510

## VICTIM:

Henson, Sheeri  
Address: [REDACTED] 6,  
Las Vegas, Nevada, 8[REDACTED]0  
Phone: [REDACTED]

## WITNESS:

Peevy, Debra (verbatim)  
Address: [REDACTED]  
North Las Vegas, Nevada, [REDACTED]

## MEDICAL PERSONNEL:

AMR Unit #2716

Las Vegas Fire Department Engine #16

Medical was refused

## DETAILS:

On May 17, 2010, at approximately 1159 hours, I, Officer G. Turner, P#13518, was dispatched to [REDACTED] Street, Las Vegas, Nevada, 89110, in G1, for a family disturbance. Details of the call stated that a black male adult, who was later identified as Bobby Montgomery, ID #2624152, was inside the residence, choking her friend, and slapped her.

When I arrived, I spoke to the victim, Sheeri Henson, date of birth 06/10/64, who stated that she and Montgomery were arguing, due to Henson confronting Montgomery about

ARRESTING OFFICER(S)	P#	APPROVED BY	CONNECTING RPTS. (Type or Event Number)
G. TURNER	13518	Lt Ron Fox P 3313 5-17-10 @ 2038 Hours	100517-1861

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
CONTINUATION REPORT

ID/Event Number: 2624152

Page 2 of 2

cheating on her. Montgomery became very irate, and grabbed Henson by the throat with both hands. Montgomery continued to squeeze her neck. Montgomery let go of her, and kicked her in her right butt-cheek, leaving a scratch on her. After that, police arrived.

I spoke to Pamela Peevy (verbatim), who was in the residence at the same time. Peevy stated that she walked home with Henson from the bus-stop. Peevy said that, when they arrived at the house, Montgomery came outside yelling at her, and then slapped her in the face. They both went inside, and Peevy observed Montgomery grab Henson with both hands, and begin to choke her around the neck. Peevy said they both then went into the room, and Montgomery still had Henson's neck. Peevy left the residence, and called police, and saw nothing else.

I spoke with Montgomery, who stated that Henson found out about him being with another girl. They both argued about it, but no physical contact was made. Montgomery said that he was laying on the bed the entire time. Montgomery and Henson have been dating for approximately two years, and that they have been living together for one month.

Due to the corroborating statements by Henson and Peevy, along with injuries, Montgomery was placed under arrest for battery/domestic violence, strangulation. He was transported to Clark County Detention Center, where he was booked accordingly.

GT/jat (Records)

Job #150560

Date and Time Dictated: 05/17/10 1402 hours

Date and Time Transcribed: 05/17/10 1622 hours

cc: Officer G. Turner/NE22

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT

Event #

120527-1861

## THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime	Date Occurred	Time Occurred
BATTERY (IN) STRANGULATION	5-17-10	1156
Location of Occurrence	Sector/Beat	City County
LV, NV 89110	61	<input checked="" type="checkbox"/> City <input type="checkbox"/> County

Your Name (Last / First / Middle)		Date of Birth	Social Security #					
Henson Shearie Denise								
Race	Sex	Height	Weight	Hair	Eyes	Work Sched. (Hours)	(Days Off)	Business / School
B	F	5'4	147	BLK	BRN	8:30-9:30	SAT SUN	
Residence Address: (Number & Street)		Bldg./Apt.# City		State Zip Code		Res. Phone		
[REDACTED]		145 VEGAS		NV 89110		[REDACTED]		
Bus. (Local) Address: (Number & Street)		Bldg./Apt.# City		State Zip Code		Occupation	Depart Date (if visitor)	
Best place to contact you during the day				Best time to contact you during the day			Can You Identify the Suspect? <input type="checkbox"/> Yes <input type="checkbox"/> No	

## DETAILS

Same home went in rm he was gone all night with sue we was fussing he grab me by the throat then kicked me in my right ass kicked hole in closet door my friend ran outside called police they came rushing in

Exhibit D (5)

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS  
 COMPLETED AT (LOCATION) 514  
 ON THE 17<sup>th</sup> DAY OF MAY AT 12:28 (AM / PM), 2010.

Witness/Officer: E.R. Fenrich  
 (SIGNATURE)

Witness/Officer: E. Fenrich P# 1345  
 LVMPD 85 (RECEIVED)  
 10F09483X - MONTGOMERY, BOBBY

Shearie Henson  
 SIGNATURE OF PERSON GIVING STATEMENT  
 Page 9 of 15

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT

Event #

100517 - 861

## THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime	BATTERY ON (STRANGULATION)	Date Occurred	5-17-10	Time Occurred	1156
Location of Occurrence	LUN SG10	Sector/Beat	61	<input checked="" type="checkbox"/> City <input type="checkbox"/> County	

Your Name (Last / First / Middle)						Date of Birth	Social Security #	
Race	Sex	Height	Weight	Hair	Eyes	Work Schol. (Hours)	(Days Off)	Business / School
13	F	5'11	173	Black	Brown	Full Day		
Residence Address: (Number & Street)			Bldg/Apt# City			State Zip Code		Res. Phone: _____
100517 (Grove St)			11. Las Vegas NV 89030					Bus. Phone: _____
Bus. (Local) Address: (Number & Street)			Bldg/Apt# City			State Zip Code		Occupation _____
Best place to contact you during the day						Best time to contact you during the day		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

DETAILS: OFFICER HERZOGH PAPORT, WRITING IN BEHALF OF PAMELA PEUVY. I WAS WALKING FROM THE BUS STOP WITH STRAN. WE GOT TO HER HOME AND THE MAN THE HOUSE CAME OUT SICKMINGD "BITCH" AND CLEVER BAD WORDS AND THEN SLAPPED HER. THEN WHEN I HAVE HE CHECKED HER WITH BETTERANTS. I DTE UNK PEAR THEN THEY MOVED BACK ROOM AND SHH WHA BEING CARRIED FROM MORNIS DTE NEVER I LEFT THE HOUSE, CALLED POLICE AND NEVER WENT BACK INSIDE. I COULD HEAR HER SICKMINGD.

Exhibit D(6)

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 178 FISHERWOOD LU UN 8110  
ON THE 17 DAY OF MAY AT 12:00 (AM  PM). 2010.

Witness/Officer: 180 (SIGNATURE)

Witness/Officer: H. HERZOGH P# 17085

180 FOR PAMELA PEUVY  
 Signature:   
 STATEMENT OF PERSON GIVING STATEMENT  
 DATED MAY 17, 2010

Printed by: K9480L  
 Printed date/time: 11/24/10 14:27

## Incident Report

Page 1 of 2

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
 400 E STEWART  
 LAS VEGAS, NEVADA 89101  
 (702) 828-3111

Incident Number: LLV100517001861

### Incident Summary

Incident Type:	CRIMINAL INCIDENT	Report Type:	FIELD INCIDENT REPO
Inc Occurred Address:	128 EDIELWEISS LAS VEGAS, NV 89110	Sector/Beat:	G1/G1
Inc Occurred Start:	05/17/2010 11:56	Inc Occurred End:	Report Taken: 05/17/2010 12:25
Domestic:	Y	Bias Motivation:	Gang Related: U Substance: U
Contact Nature:			Reported Date/Time: 05/17/2010 12:25
Reporting Officer:	TURNER, G 13518	Primary Assigned Officer:	ROBINSON, E 3889
Case Status:	Disposition:		Disposition Date: 05/17/2010 10:08

### Offenses

Statute Code: BATT200.481S Enhancers:  
 Statute Desc: BATTERY / DOMESTIC VIOLENCE - (STRANGULATION)  
 Counts: 1 Statute Severity: FELONY

### Persons Involved

Person#:	0002	MNI:	9081847	Can ID Suspect:	No
Event Association:	ARRESTEE	Contact Date/Time:			
Name:	MONTGOMERY, BOBBY LEE	DOB:	11/02/1960	Age:	49 - 49 Sex: MALE
Height:	5' 11" - 5' 11"	Weight:	190 - 190 lbs	Eye Color:	BROWN Race: BLACK/AFRO AMER
Address:	1110 REDWOOD LAS VEGAS, NEVADA 89108	Hair Color:			BLACK
Phone Type 1:	Phone# 1:	Ext 1:	Sector/Beat:		
Phone Type 2:	Phone# 2:	Ext 2:			

Occupation: Employer/School:

### Characteristics

Characteristic Type:	Further Defined By:	Description:
13. Mitigating Factors		
14. Reason For Arrest		
16. Weapon Used		
17. Injury Severity		
18. Medical Treatment		
10. PHOTOS TAKEN	NO	NO PHYSICAL MARKS
09. ALCOHOL/DRUGS INV	UNKNOWN	
DEMEANOR	NERVOUS/FIDGETING	

The Use and Dissemination of this Record is Regulated by Law. Secondary Dissemination of any kind is Prohibited and could subject the offender to Criminal and Civil Liability.  
 This Information Released To:  
 Insurance/Attorney/Other  
Montgomery, Bobby  
 By: K9480L Date: 11-26-10  
 Las Vegas Metro Police Dept.

Exhibit E (1)

Printed by: K9480L  
Printed date/time: 11/24/10 14:27

## Incident Report

Page 2 of 2

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
400 E STEWART  
LAS VEGAS, NEVADA 89101  
(702) 828-3111

Incident Number: LLV100517001861

### Narratives

ENTERED DATE/TIME: 5/20/2010 00:50:46

NARRATIVE TYPE: INCIDENT CRIME REPORT

SUBJECT: BATT DV (STRANGULATION)

AUTHOR: TURNER, G 13518

ON 05/17/10 AT APPROXIMATELY 1159 HRS I OFFICER G. TURNER WAS DISPATCHED TO 128 EDIELWIESS ST LV, NV 89110 FOR A FAMILY DISTURBANCE. DETAILS OF THE CALL STATED THAT A BMA IDENTIFIED AS BOBBY MONTGOMERY WAS INSIDE RESIDENCE CHOKING HER FRIEND.

WHEN I ARRIVED I SPOKE WITH THE WHO STATED THAT HER AND MONTGOMERY WERE ARGUING DUE TO CONFRONTING MONTGOMERY ABOUT HIM CHEATING ON HER. MONTGOMERY BECAME VERY IRATE AND GRABBED BY THE THROAT WITH BOTH HANDS. MONTGOMERY CONTINUED TO SQUEEZE HER NECK, MONTGOMERY LET GO OF HER AND KICKED HER IN HER RIGHT BUTT CHEEK LEAVING A SCRATCH ON HER.

I SPOKE TO PAMELA PEEVY WHO WAS IN THE RESIDENCE AT THE SAME TIME. PEEVY STATED THAT SHE WALKED HOME WITH FROM THE BUS STOP. PEEVY SAID THAT WHEN THEY ARRIVED AT THE HOUSE MONTGOMERY CAME OUTSIDE YELLING AT HER THEN SLAPPED HER. THEY BOTH WENT INSIDE AND PEEVY OBSERVED MONTGOMERY GRAB WITH BOTH HANDS AND BEGIN TO CHOKE HER AROUND THE NECK. PEEVY SAID THEY BOTH THEN WENT INTO THE ROOM AND MONTGOMERY STILL HAD NECK. PEEVY LEFT THE RESIDENCE AND CALLED POLICE.

I SPOKE TO MONTGOMERY WHO STATED THAT FOUND OUT ABOUT HIM BEING WITH ANOTHER GIRL. THEY BOTH ARGUED ABOUT IT BUT NO PHYSICAL CONTACT WAS MADE. MONTGOMERY SAID HE WAS LAYING ON THE BED THE ENTIRE TIME.

MONTGOMERY AND HAVE BEEN DATING FOR APPROXIMATELY 2 YEARS AND THAT THEY HAVE BEEN LIVING TOGETHER FOR 1 YEAR. DUE TO THE CORROBORATING STATEMENTS BY

AND PEEVY ALONG WITH INJURIES MONTGOMERY WAS PLACED UNDER ARREST FOR BATTER DOMESTIC VIOLENCE (STRANGULATION) AND WAS TRANSPORTED TO CCDC AND BOOKED ACCORDINGLY.

Exhibit E (2)

JB AJ

08C250236

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	June 29, 2010
--------------------------	---------------	---------------

08C250236	The State of Nevada vs Bobby Montgomery
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June 29, 2010	8:15 AM	Revocation of Probation	REVOCATION OF PROBATION Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
---------------	---------	-------------------------	--

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES**

PRESENT:	Montgomery, Bobby	Defendant
	Morgan, Shawn A.	Attorney
	Page, Daniel	Attorney
	Public Defender	Attorney

**JOURNAL ENTRIES**

- Michael Dantonio from Parole and Probation (P&P) present.

Conference at the Bench. Mr. Morgan advised Deft. Montgomery has a new charge, 10F09483X; the new charge is enough to revoke Deft. Mr. Page advised the new charge Battery Constitutiong Domestic Violence - Strangulation, has been bound over to District Court and assigned Case No. C265141. Deft. is contesting the new charge for the reasons stated on the record. Deft. sworn and testified. Colloquy regarding disposition. COURT FINDS, Deft. in violation of his probation and ORDERED, Deft.'s PROBATION REVOKED; the original SENTENCE of TWELVE (12) MONTHS in the Clark County Detention Center (CCDC) is IMPOSED with SIXTY-FIVE (65) DAYS credit for time served.

CUSTODY

PRINT DATE: 11/09/2010

Page 5 of 6

Minutes Date:

December 16, 2008

*Exhibit F*

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 23, 2010

10C265141

The State of Nevada vs Bobby L Montgomery

June 23, 2010

10:30 AM

Arraignment Continued

**ARRAIGNMENT  
CONTINUED.**

HEARD BY: Martin, Eugene

**COURTROOM: RJC Lower Level  
Arraignment**

COURT CLERK: Kristen Brown

RECODER: Kiara Schmidt

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Jorgenson, Craig F.	Attorney
	MacArthur, Jonathan E.	Attorney
	Montgomery, Bobby L	Defendant
	Morgan, Shawn A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Statement by Mr. Jorgenson regarding filing a motion and requested that a contract attorney will need to be appointed. COURT ORDERED, Mr. MacArthur APPOINTED AS COUNSEL. Mr. MacArthur present and advised of the appointment. DEFT. MONTGOMERY ARRAIGNED, PLED NOT GUILTY, and **INVOKED the 60-DAY RULE**. COURT ORDERED / matter set for trial. /

**CUSTODY**

8/04/10 8:30 AM CALENDAR CALL

8/16/10 10:30 AM JURY TRIAL

PRINT DATE: 11/09/2010

Page 3 of 5

Minutes Date:

June 16, 2010

*Exhibit C*

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**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

In according pursuant to NRS 41.035 the compensation of the maximum sum of \$100,000.00 for every day spent in the Clark County Detention Center Las Vegas Nevada total of 226 days.  
Also pursuant to NRS.42.005,NRS.42.007 Exemplary and punitive damages three times the amount of compensatory.Future general compensation damages for special damages for medical and psychotic care.

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I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

BOBBY LEE MONTGOMERY PRO SE  
(Name of Person who prepared or helped prepare this complaint if not Plaintiff)

*Bobby Lee Montgomery Pro Se*  
(Signature of Plaintiff)

5/15/2012  
(Date)

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(Additional space if needed; identify what is being continued)

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JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

JS 44 (Rev. 12/71) CIVIL COVER SHEET  
The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> BOBBY LEE MONTGOMERY PRO SE		<b>DEFENDANTS</b> LAS VEGAS METROPOLITAN POLICE DEPARTMENT ET AL	
<b>(b) County of Residence of First Listed Plaintiff</b> <u>CLARK</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>CLARK</u> (IN U.S. PLAINTIFF CASES ONLY)	
<b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b>		Attorneys (If Known)	
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input checked="" type="checkbox"/> PTF <input type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State <input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF
		Citizen or Subject of a Foreign Country <input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	Foreign Nation <input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF
<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)		<b>FORFEITURE/PENALTY</b>	
<b>CONTRACT</b>		<b>TORTS</b>	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	
<b>REAL PROPERTY</b>		<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	
<b>CIVIL RIGHTS</b>		<b>PRISONER PETITIONS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	
<b>V. ORIGIN</b> (Place an "X" in One Box Only)		<b>FORFEITURE/PENALTY</b>	
<input checked="" type="checkbox"/> 1 Original Proceeding		<input type="checkbox"/> 2 Removed from State Court	
<input type="checkbox"/> 3 Remanded from Appellate Court		<input type="checkbox"/> 4 Reinstated or Reopened	
<input type="checkbox"/> 5 Transferred from another district (specify)		<input type="checkbox"/> 6 Multidistrict Litigation	
<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge			
<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <b>CIVIL RIGHTS COMPLAINT PURSUANT TO 42 USC 1983</b> Brief description of cause: <b>ILLEGAL ARREST, SEARCH AND SEIZURE, INCARCERATION, REVOCATION</b>	
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	
<b>VIII. RELATED CASE(S) IF ANY</b>		<b>DEMANDS</b>	
(See instructions): <u>JUDGE</u>		<b>DOCKET NUMBER</b>	
<b>DATE</b>		<b>SIGNATURE OF ATTORNEY OF RECORD</b>	
<u>5/15/2012</u>		<u>Bobby Lee Montgomery Pro Se</u>	

SIGNATURE OF ATTORNEY OF RECORD

DATE  
5/15/2012  
FOR OFFICE USE ONLY

RECEIPT #

**AMOUNT**

## APPLYING IFF

**DOCKET NUMBER**